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PIERCY'S APPEAL STILL IN COURT

State's Highest Legal Tribunal
Begins Work Again Sept. 18
—Madison Cases On File

The Court of Appeals will open its fall term on Monday, September 18, with the largest criminal docket in its history. There are 111 criminal appeals; most of them growing out of the prohibition act from the right to give away a drink, which is a criminal offense under the act, to the right of freedom from search and seizure.

The civil docket consists of 357 appeals, in which the usual run of legal questions are involved. Among those are the cases of Orie S. Ware, commonwealth's attorney, Kenton county, vs. Sperry and Hutchinson Company and Thos. M. King vs. Commonwealth, from Jefferson county, which will be of general interest. The purpose of the Ware vs. Sperry and Hutchinson case is to test the legality of the Anti-Trading Stamp Act which passed the last legislature after a very bitter and hotly contested fight in which a large lobby was very active—and it is rumored, much money. Similar acts making the issuing of trading stamps illegal have been declared unconstitutional in several other states. The intent of the King vs. Commonwealth case is to test the constitutionality of the Blue Sky Law and to get a ruling as to whether or not it applies to common law trusts in the event it is held to be constitutional.

If the Anti-Trading Stamp Act and the Simmons-Strange Road Act are declared unconstitutional all the major acts of the legislature will have been thrown out—it generally takes the court about a year to straighten out legislative tangles and blunders. Regardless of the decision of the courts the road bond question will probably be the main issue in the next gubernatorial campaign, with the republican nominees supporting the original \$50,000,000 road bond project and the democratic nominee backing up the stand of the democratic legislature in killing the road building project.

Roy B. Speck, Clerk of the Court of Appeals, has given to the State Printer the copy for the fall term dockets and they should be in the hands of the lawyers within a few days.

The following cases were appealed from Madison county.

Criminal

Roberts vs. Commonwealth.
Bicknell vs. Commonwealth.
Bicknell vs. Commonwealth.
Terrill vs. Commonwealth.

Civil

Gibbs vs. Metcalf, etc.
Francis vs. Richmond Mining Company.
Covington vs. Covington, Jr.
Goodloe vs. Moberly.
York vs. Rowlett.

Some Hopes of Rescuing Imprisoned Miners

(By Associated Press)
Jackson, Calif., Sept. 4.—The night crew of rescuers working in the Kennedy mine in attempts to rescue the 47 entombed miners, today declared they heard two blasts which they were positive could come from none but the entombed men. All Jackson is rejoicing over the feeling of certainty that the imprisoned men are still alive after a week's entombment.

Burgin Farmer Blows Head Off

Danville, Ky., Sept. 4.—William Stagner, 73, a farmer living near Burgin, placed three sticks of dynamite under his body at his home early Sunday morning, and blew off his head and shoulders. It is said he had been worrying apparently over financial matters.

State Labor Convention

Louisville, Ky., Sept. 4.—Problems arising as a result of the coal and rail strikes, the action of the supreme court in the Coromado case and election of officers for the ensuing year are some of the features of the program for the 18th annual convention of the Kentucky State Federation of Labor which opens at Paducah Monday, September 11. It is expected that the convention will occupy at least three days, according to Peter Campbell, secretary-treasurer of the state federation.

7 PERISH IN RAIL BUNKHOUSE FIRE

Car Repairsmen Burn To Death
Seriously Injured In Pitts-
burg Railroad Yards

Pittsburg, Pa., Sept. 4.—Seven car repairsmen, recently employed, were burned to death, ten men were injured, several severely, and property loss of \$220,000 was wrought by fire which started at dawn Sunday in a bunkhouse in the Thirtieth street yards of the Pennsylvania railroad and swept through the building with almost incredible speed.

Nearly all the bodies were charred beyond recognition. The corpse of J. E. Carr, of Baltimore, was positively identified, however.

Railway officials made a check of all employees living in the bunkhouse and gave out the following list of missing:

Alvin L. Bruce, 21, Kewanee, Ill.; Frank Custodine, 28, laborer; Edgar T. Dunn, 35, repairman; David L. Davis, 46, repairman; Walter L. Parsons, 23, repairman; Ernest Inozanetta, 38, repairman; Gerald Harper, 24, machine helper.

Search of the wreckage failed to reveal an eighth body.

Railway representatives said it was possible that one of the aforementioned listed men failed to report after he fled from the blazing bunkhouse. Office records were destroyed and the addresses of some of the victims could not be obtained.

The most seriously injured employee is J. Minern Tajuma, of Tokio, an airplane inspector's helper. Tajuma and the other employees who sustained injuries were hurt when they jumped from the second story of the bunkhouse. The injured include: Thomas Burns, of New York; John Burns, of Philadelphia; C. Shafer, of Highland Park, Mich.; and Ray Clifford, of Tulsa, Okla. The others gave Pittsburg as their address.

Investigations were immediately started by the railroad, the police and the fire departments and the department of justice. They were in progress last night with announcement by the railroad that it had been unable "to determine the cause of the fire."

SUPREME COURT JUDGE RESIGNS

(By Associated Press)

Washington, Sept. 4.—President Harding has received the resignation of Associate Justice Clark, it was announced today at the White House. It is said the President intends to nominate former United States Senator George Sutherland, of Utah, to take Clark's place on the Supreme Court bench. Clark gave as his reason that retirement effective September 18, when the Associate Justice will reach the age of 65, would conform with his "philosophy of life," adding he hoped to serve his neighbors and some public cause "in a way which would be impossible if he continued on the bench."

"MOTHER" JONES CRITICALLY ILL

(By Associated Press)

Washington, Sept. 4.—"Mother" Jones, unofficial labor leader, especially in times of industrial strife, is critically ill at the home of friends here. The frailties of her 92 years, many of which were spent in strenuous activities in behalf of strikers, augmented as a result of labor work in Colorado, according to attending physicians. She is so ill she has not been informed of the shopmen's strike.

President To Be Initiated

(By Associated Press)
Cleveland, O., Sept. 4.—President Harding will be admitted to membership in the thirty-second degree, Scottish Rite of Free Masonry, at the 110th annual meeting of the supreme council for the Northern jurisdiction of the United States, to be held in Cleveland September 16, it has been announced.

LANCASTER MAN "FIRED" AS GUARD

Corbin, Ky., Sept. 4.—Quick discharge of the offending guard, former chief of police Luther Herron, of Lancaster, by Superintendent Hollingsworth here after the guard is alleged to have climbed into the cab of a locomotive, gun in hand and using abusive language, to avenge a fancied insult, seems to have satisfied the aggrieved brotherhood men and the matter is regarded as a closed incident.

No strike vote was taken by the brotherhood in mass meeting. They apparently had learned of the action of the railroad in dismissing the guard. The sense of the meeting was that the matter should remain in statu quo, any action being left to the chairman of the brotherhoods.

The railroad had promised the brotherhoods that the armed guards in shops and yards would not interfere with them in their duties. The first man who broke the agreement and his orders was dismissed. Superintendent Hollingsworth said in his report to General Manager Starks at Louisville that there was no evidence to show that Engineer Joe Wickersham, a Lebanon Junction man, intentionally caused the engine to exhaust its residue of steam and sooty scalding water out of the stack just as three guards passed.

Two guards went on to report the incident, but the third, who later was discharged, took up the matter on his own account. Accounts of the affair differ, it at first having been reported that the armed guard chased the fireman and engineer into the east yard office, where they took refuge. Their report to Louisville was that they pushed the guard out of the cab and took him to the superintendent's office.

MRS. MARGARET HILL DIES AT WALLACETON

One by one the old and beloved settlers of Wallacetown are answering the call of death. Sunday evening at seven o'clock Mrs. Margaret Bowlin Hill passed away. Mrs. Hill, who was the daughter of Mr. and Mrs. Hiram Bowlin, was born October 16, 1860. She is survived by her husband, Mr. Joe Hill, and their two adopted children, Otto 12, and Ossie, 17. It was but last September that Otto accidentally discharged a twenty-two rifle, the ball of which took out both of Ossie's eyes.

Mrs. Hill joined the Methodist church in her early girlhood days and had been a faithful worker and loyal Christian in the community thru all the years. Rev. C. E. Vogel conducted the funeral services at the Wallace Chapel Monday afternoon at 2:30 o'clock. More people were present than the chapel could accommodate.

Friends extend their sympathy and desire to be called upon for any help that they can render either to Bro. Hill, the blind girl or the little boy.—Berea Citizen

Twenty-three Trains Off

Cincinnati, Sept. 2.—Twenty-three passenger trains on the Baltimore and Ohio railroad will be annulled September 4th, G. D. Brooks, superintendent of transportation, announced here late Friday. In making this announcement, Mr. Brooks said the cancellation was to concentrate efforts of the railroad to move coal by the release of power and men. Train No. 24, between Cincinnati and St. Louis, which was taken off some time ago, was restored, effective September 5th.

Bakers To Meet At Newport

(By Associated Press)
Newport, Ky., Sept. 4.—The 1922 convention of the Kentucky Master Bakers' Association will be held here October 17 and 18. Various phases of the baking industry will be discussed by prominent members of the organization. Many entertainment features have been given a place on the program, including a trip to the Latonia race track.

The Weather

Generally fair tonight and Tuesday; no change in temperature.

Monday's Livestock Markets

Cincinnati, Sept. 4.—Cattle 1-800; 2,000 hogs; prospects fair on good kind.
Louisville, Sept. 4.—Cattle 3-000, 25c lower, \$2 to \$8; hogs 2-500, strong, \$5 to \$9.50; sheep 1500, steady, \$5 down; lambs \$12.50.

GREAT STRIDE MADE BY LABOR

In Past Year, Says Secretary
Davis, In Labor Day
Address

(By Associated Press)

Moosheart, Illinois, Sept. 4.—American labor has made great strides in the past year, Secretary of Labor Davis declared today in a Labor Day address.

"In spite of unemployment," he said, "it had fought off all attempts to decrease wage levels set up during the war and safely passed the crisis. Continuation of high wage levels, Secretary Davis predicted, would bring prosperity in the United States because it would increase the nation's consuming power."

After condemning violence in the rail and mine strikes, he said, "We must and will find a way to end this fratricidal strife in industry; we must and will find a way to settle these industrial disputes without recourse to futile arbitration of force."

U. S. Marshals Prepared To Enforce Injunction

(By Associated Press)

Chicago, Sept. 4.—Dawn of Labor Day and the 66th day of the railway shopmen's strike, found United States marshals mobilized to enforce the government strike injunction and prepared to keep close watch on labor demonstrations throughout the country. In Chicago the center of the nation's railroad activities, union leaders said no organized program was made for observance of the holiday. The arrival of the annual holiday brought with it new acts of violence.

MADISON SHOULD ACCEPT THIS OFFER

Louisville, Ky., Sept. 4.—The first ten counties in Kentucky which at the present time have no public health nurses to comply with conditions laid down by the State Board of Health, will be helped financially to employ a nurse by the State board, Dr. A. T. McCormack, State Health Officer, announced here today.

The aid offered by the State board is payment of the nurse's full salary of \$125 or \$150 for the first three months of her employment. The board, after these three months, will continue to contribute \$50 a month toward the payment of her salary for the balance of the first year of her employment.

The single condition specified by the board is that the counties must guarantee the payment of the remainder of the nurse's salary for nine months and must provide transportation for her. This may be done by fiscal courts, municipalities, health and welfare leagues, Red Cross chapters or other organizations.

Three Kentucky counties already have made arrangements to take advantage of the Board of Health's offer. They are Knox, Letcher and Henry.

Here's A New Idea

About the "Open Shop"

(By Associated Press)

South Fork, Pa., Sept. 4.—Open shop plans of operating industry were termed breeders of Bolshevism, I. W. W. and other un-American organizations, by Samuel Pascoe, of Ashland, Ky., President of District No. 30, United Mine Workers of America, in a Labor Day address here today. He characterized the Rockefeller industrial plan as a monumental blunder and asserted that all the strikes of 1922 were due to open shop policy of Judge Gary and the so-called American open shop plan to the Manufacturers' Association and National Chamber of Commerce.

Typewriters for rent—Wiggins phone 69, Register Office.

DOVE HUNTING ON IN FULL BLAST

The dove shooting season opened Friday with much enthusiasm shown in Madison and the surrounding counties.

Shooting could be heard all day from Richmond. Many other hunters went to more remote parts for game. Almost everyone came back reporting very good luck. No party reported not seeing a dove. Most of the successful hunters of Friday returned to try their luck again Saturday. One hundred and fifty-two hunters had obtained license from County Clerk W. B. Turley at a late hour Saturday afternoon. They are as follows:

R. J. Abney, Pat Allen, William Black, R. C. Boggs, R. O. Bowman, Ovie Bicknell, John Blevins, W. J. Blanton, W. S. Blanton, C. P. Blanton, Walker Blanton, C. J. Bohlen, Willard Bohlen, John H. Bailey, Harry Burgess, Ches Brandenburg, Dr. Harry Blanton, Foster Boyd, R. R. Burnam, Jr., Harry Blanton, Jr., John Baughman, Frank Barnett, Iram Blake, John Boggs, Dan Breck, Jr., William Burnam, Jeff Covington, T. C. McCown, M. A. Collins, A. L. Chambers, F. P. Caldwell, C. F. Chenault, A. H. Chenault, J. N. Culton, Jr., Harvey Chenault, Joe Chenault, Grant Conner, Douglas Chenault, Letch Combs, A. T. Coates, C. N. Canfield, J. D. Chenault, F. B. Dowden, L. F. Day, Sam Denny, Cohen Deatherage, William Evans, J. M. Evans, James C. Farley, J. D. Farley, Doc Ferrill, H. L. Francis, George T. Fawkes, J. C. Gabbard, J. P. Gilbert, W. H. Grider, Ralph Gentry, George Ginter, F. C. Gentry, Lewis Gumbert, James Hendrix, Bud Hardy, Clark Hardy, J. W. Hilton, Earl Haskin, Roy Harrison, E. T. Hays, H. B. Hanger, Jr., H. B. Howard, W. C. Hackett, John Hurley, T. B. Hackett, O. W. Hisle, Wm. Holcomb, Dave Hisle, N. O. Harber, O. F. Hume, Lew Hill, N. B. Jones, J. W. Johnson, Wm. Jones, Reed Jett, Adam Kelly, Charles A. Keith, David King, W. F. Kidd, Joe Kelley, M. C. Kellogg, W. N. Lampton, L. F. Maupin, T. J. Moberly, Luther Maupin, Phil Moynahan, Dr. Mainhart, R. E. Maupin, Donald Mainhart, J. H. Menifee, J. W. Maupin, H. C. McCreary, H. B. McIntosh, Wm. McSwain, John W. McKinney, J. R. Neely, Harold Oldham, Embury Parks, Henry Phelps, J. W. Purley, J. A. Panther, Reuben Puckett, J. R. Potts, A. N. Prichett, Dave Powers, Hart Perry, H. L. Perry, Edwin Powell, John Powell, A. C. Reed, A. B. Robinson, G. T. Smith, F. H. Smith, Howard Smith, T. G. Simpson, Charley Stanifer, Lloyd Turpin, Sam P. Todd, Robert Turley, Henry Todd, John Thomas, William Terrill, Billy Telford, Embury Terrill, Talbot Todd, Robert Telford, T. J. Turley, Hugh Yandersall, J. O. Wilcox, S. Winkler, W. C. Winkler, Elmer Wilis, H. C. Wagers, Alex White, Ed Warford, C. F. Wells, Jr., H. M. Whittington, Eli Yates, Steven Keith, Charles Lanter, John Logsdon, A. I. Lackey, Jr., Doc Whicker, Tom Williams and Hargus Wills.

O'Rear Would Welcome Investigation of Work

Frankfort, Ky., Sept. 4.—"I invite investigation. I challenge it and defy it," was the comment today by Judge E. C. O'Rear, chairman of the State Normal School Commission, which last week named Murray as the site of the new normal school for western Kentucky. On the reports that Mayfield interests would demand investigation of the commission's work, Judge O'Rear said the commission chose Murray because it made a showing that placed it ahead of other cities. Answering charges made by Homer Nichols, superintendent of Caldwell county schools, that eastern Kentucky coal interests "fixed" the selection of Murray in return for indulgence from the state tax commission of which Rainey T. Wells, of Murray, is chairman, O'Rear said the only representations made by any coal interests were in favor of Paintsville.

Congressman Langley wants a trachoma hospital and favors its location at Pikeville.

MAYFIELD SORE OVER NORMAL AWARD

And Threatens To Appeal Com-
mission's Selection—Deadlock
On Eastern Site

Mayfield, Ky., Sept. 4.—Attorneys here who were prominent in waging the fight for Mayfield as the site for the normal school in Western Kentucky stated this morning that they would test the constitutionality of the proceedings and that they would carry the fight to the State School Board, not in the hope of yet locating the school in Mayfield, but in hope of thoroughly investigating the whole affair from the very start.

The fact that one of the wealthiest bankers of Murray sent a large sum of money to Mayfield as early as last June to be waged on Murray getting the school at odds of 6 to 5 against the "field," and the statement of a Paducah minister that one of the commissioners told him early after the commission was appointed that it was "fixed" finally, has awakened the citizenship of this city and county to action and they will leave no stone unturned to thresh out the whole matter.

W. J. Webb, president of the city school board, and Judge Bunk Gardner, formerly on the circuit bench here, are attorneys who have discussed the matter of having the selection and the circumstances threshed out before the State Board of Education. They and other supporters would be willing to allow the school to remain in Murray, having no serious objection to the town itself, but feel certain that certain unwholesome influences were responsible for the selection in advance.

It is pointed out that the five members who voted for Murray were never open to arguments advanced by other towns, while the three who voted for Mayfield listened attentively.

Commission To Meet Again Soon On Eastern Site

Frankfort, Ky., Sept. 4.—Within two or three weeks, certainly before October 1, members of the Normal School Commission will meet again to endeavor to break the deadlock on the choice for the Eastern Kentucky school which existed when the commission adjourned.

While Murray was chosen for the western school by a vote of 5 to 3—the lineup being House appointees on the commission voting for Murray and Senate appointees backing Mayfield—the vote was 4 to 4 on the eastern site. Morehead received the votes, it is reported, of Commissioners E. C. O'Rear, Sherman Goodpastor, Thomas A. Combs and Judge Earl W. Seuff.

W. S. Wallen, of Prestonsburg, joined the Senate appointees, A. G. Barrett and Judge Arthur Peter, of Louisville, and J. L. Harman, of Bowling Green, in supporting a town in the Big Sandy valley, where the educational survey said the school should go. The choice is understood to have been between Morehead and Paintsville. At one time West Liberty is said to have received two votes. Judge O'Rear is said to have favored that city. Louisa also received votes.

Loyalty to his home section and the unfavorable publicity received by an alleged political deal by which the majority House appointees were selected, with a supposed prejudice for Morehead, are believed to have influenced Mr. Wallen not to vote for that city. The Morehead supporters had counted on him.

One Bolt During Shower Kills Three Horses

Carrollton, Ky., Sept. 2.—A solitary stroke of lightning during a light shower killed three horses and crippled a fourth. Two of the animals killed belonged to T. C. Collins and one to Leslie Meadows.

Misses Miriam Noland and Brownie Telford are at home from a week's stay in Asheville, North Carolina.

Get our expert advice first and expert work second on delicate materials, Dixie Dry Cleanery, Phone 7.

LABOR DAY SEES BIG STRUGGLE ON

State Labor Inspector Gives Summary of Situation Today
As He Sees It

(By Associated Press)

Louisville, Ky., Sept. 4.—That this Labor Day ushers in a crucial test for organized labor due to the shopmen's strike was the belief expressed here today by Pat Filburn, State Inspector of Labor.

"The most powerful labor organization and the most powerful combination of employers the United States has ever known are engaged in a struggle which means the existence or non-existence of organized labor as a force in contributing the living and working conditions of the people of this country," Mr. Filburn said.

"It may be disguised under the terms of 'seniority' or 'wages' or any other name, but the whole sum and substance of the present struggle is that it is for the existence of labor as an organized and active body protecting the rights of its members to live decently and live under decent conditions and indirectly protecting the great body of unorganized labor through the force of its example."

Despite the industrial disturbances, the state labor inspector for working men during the coming year are unusually bright.

"I believe," he said, "that this country is preparing to enter upon the greatest industrial boom in its history and if the forces at the head of the workers and the employers can get together and remember that every man is his brother we will see this great country of ours advancing far beyond anything we could imagine from our past experiences."

The business of the country, Mr. Filburn continued, is picking up in spite of its breakdown. At present the labor office is able to place in some kind of work any man who is able and willing to do manual labor. There is a demand especially for female labor. Mr. Filburn said, practically all factories having a shortage of this class of labor at the present time.

In the last four weeks a large number of men have been shipped to Pennsylvania and Ohio and there have been many inquiries, Mr. Filburn said, from cities as far as Michigan. All of these inquiries indicated a shortage of mechanics in almost all lines. This, Mr. Filburn believes, is a practical demonstration that the industrial trouble settled there would be a shortage of labor in practically every line.

Action of the United States Steel Corporation in raising the wages of its workers 20 per cent is taken by the labor inspector as an indication that the concern foresees a shortage of labor in the near future and is making preparations to meet it.

Restricted immigration is limiting the number of available foreign laborers in the United States and is creating a demand for American labor, according to Mr. Filburn.

"The prospects for labor during the coming year," Mr. Filburn concluded, "are the best I've seen and I have been connected with the labor question since 1890."

Schools Need New Maps

(By Associated Press)

Covington, Ky., Sept. 4.—Covington public schools will be supplied and globes as a result of action taken by the Covington Board of Education. The decision came after Superintendent of Schools H. S. Cox who explained that old maps and globes are out of date since the world war.

Nelson Man Completes Highway Commission

Frankfort, Ky., Sept. 2.—Leslie B. Samuels, of Bardonia, designated as a member of the Highway Commission created by the Simmons road bill, was appointed to the State Highway Commission by Governor Morrow to succeed Ed S. Monahan, of Louisville. The other three members of the commission: Chairman H. Green Garrett, of Winchester, and H. H. Asher, of Pineville, republicans, and Ben Weille, of Paducah, democrat, were reappointed.

Amundsen will delay his attempt to reach the North Pole in an airplane for a year.